

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUN 28 2010

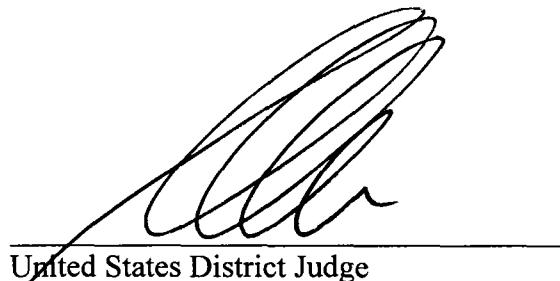
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UNITED STATES OF AMERICA) Criminal No. 7:03CR00128-1
)
v.) DISMISSAL ORDER
)
DONALD MILTON BOYSAW) By: Samuel G. Wilson
) United States District Judge

In accordance with this court's memorandum opinion entered on this date, it is **ORDERED** and **ADJUDGED** that the motion of Donald Milton Boysaw purportedly pursuant to Rule 60(b) of the Federal Rules of Civil Procedure is **DENIED**. Boysaw's motion is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The court finds that Boysaw has not made the requisite substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1) and **DENIES** a certificate of appealability.

ENTER: This 28th day of June, 2010.



United States District Judge